

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

BABAK HATAMIAN and LUSSA DENN  
SALVATORE, individually and on behalf of  
all others similarly situated,

**Plaintiffs,**

V.

ADVANCED MICRO DEVICES, INC.,  
RORY P. READ, THOMAS J. SEIFERT,  
RICHARD A. BERGMAN, AND LISA T.  
SU,

## Defendants.

Case No. 4:14-cv-00226-YGR

## CLASS ACTION

**ORDER DIRECTING FURTHER  
SUBMISSION IN SUPPORT OF  
PENDING MOTION FOR FINAL  
APPROVAL AND FOR ATTORNEYS'  
FEES AND EXPENSES**

Dkt. No. 332

On October 24, 2017, the Court held a hearing on the pending motion for approval of class action settlement and motion for attorneys' fees and expenses. By order dated October 25, 2017, the Court has granted the motion for preliminary approval but requires additional information to be provided with respect to the anticipated motion for attorneys' fees and expenses. As part of the briefing, plaintiffs' counsel provided the Court with its resumes and that of the Administrator lauding their respective accomplishments. (*See* Dkt. Nos. 333-2, 333-3, and 333-4.) Counsel shall provide the information listed below. The information should be provided in a summary chart format,

1 preferably similar to that shown in Appendix A hereto from William B. Rubenstein, *The Fairness*  
2 *Hearing: Adversarial and Regulatory Approaches*, 53 UCLA L. REV. 1435, 1460 (2006).<sup>1</sup>

3       1.       Provide the information below for some of the identified actions submitted to the  
4 Court, specifically, (1) the five most recent for Labaton Sucharow, LLP, (Dkt. No. 333-2 at 5-9), (2)  
5 the five shareholder derivative cases for Motley Rice LLC, (Dkt. No. 333-3 at 7), and (3) the five  
6 most recent for Epiq Systems, Inc., (Dkt. No. 333-3 at 3):

7       • Total settlement amount;  
8       • Total amount of claims paid, expressed in dollars and as a percentage of the total settlement  
9       amount;  
10      • The number of class members who received notice ;  
11      • The number of actual claims, expressed as a total number and as a percentage of the number  
12       who received notice;  
13      • The number of opt-outs, expressed as a total number and as a percentage of the number who  
14       received notice;  
15      • The attorney fees awarded, expressed as a total dollar figure, a percentage of the total  
16       settlement amount, and a percentage of the funds distributed to class members;  
17      • The attorney costs and expenses awarded, expressed as a total dollar figure, a percentage of  
18       the total settlement amount, and a percentage of the funds distributed to class members;  
19      • The total class administration costs, expressed as a total dollar figure and a percentage of the  
20       total settlement amount; and  
21      • The residual funds, if any, remaining, expressed as a total dollar figure and a percentage of  
22       the total settlement amount.

23       2.       In addition, counsel shall also provide the estimated information for each of the above  
24       categories, based on the information currently available to counsel for the instant matter.

25 **IT IS SO ORDERED.**

26       Dated: October 25, 2017

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

27       <sup>1</sup> Counsel are referred to further discussion on these issues in Nicholas M. Pace and William  
28       Rubenstein, "Shedding Light on Outcomes in Class Actions," in CONFIDENTIALITY,  
TRANSPARENCY, AND THE U.S. CIVIL JUSTICE SYSTEM, Ch. 2 (Joseph W. Doherty, Robert T.  
Reville, and Laura Zakaras, eds., Oxford University Press, 2008).

27       See also *In Re: Lithium Ion Batteries Antitrust Litigation*, Case No. 13-md-2420-YGR,  
28       Dkt. Nos. 1981 and 1988.

# Appendix A

**Preapproval Notice**  
**In re Megasoft Antitrust Case**  
*All figures are best estimates as of July 1, 2006*

% Total Settlement	
<b>Settlement</b>	<b>\$50 million</b>
<b>Plaintiff fund</b>	<b>\$38.5 million</b>
	<b>77%</b>
Expected claims	\$4.7 million
	9%
Class members	500,000
Projected claims	60,000 (12%)
Settlement per class member	\$79*
Expected residual	\$33.8 million
	68%
Cy pres – Public schools	\$22.5 million
Reversion – Megasoft	\$11.3 million
<b>Attorney fees requested</b>	<b>\$10 million</b>
	<b>20%</b>
Lodestar	\$4.0 million
Hours	10,000
Melded billing rate	\$400/hr
Multiplier	2.5
<b>Attorney costs</b>	<b>\$0.5 million</b>
	<b>1%</b>
<b>Administrative costs</b>	<b>\$1 million</b>
	<b>2%</b>

**The median award for class members filing a claim is estimated to be **\$79**.**  
**Instructions for filing your claim appear elsewhere in this settlement notice.**

\* Settlement per class member is based on median damage. Actual individual settlements may be higher or lower depending on factual circumstances.

**This settlement received an 'A' grade from the Class Action Settlement Rating Association.**

**Postclaim Filing Audit**  
**In re Megasoft Antitrust Case**  
*All figures are actual amounts as of June 30, 2007*

% Total Settlement	
<b>Settlement</b>	<b>\$50 million</b>
<b>Claims paid</b>	<b>\$5.9 million</b>
	<b>12%</b>
Class members sent notice	500,000
Actual claims	74,700 (15%)
Opt-outs	2,000 (0.4%)
Median recovery per claimant	\$79
<b>Residual</b>	<b>\$34.3 million</b>
	<b>69%</b>
Cy pres distribution	\$22.9 million
Reversion	\$11.4 million
<b>Attorney fees awarded</b>	<b>\$8.3 million</b>
	<b>17%</b>
Portion of distributed fund	22%
<b>Attorney costs</b>	<b>\$0.5 million</b>
	<b>1%</b>
<b>Administrative costs</b>	<b>\$1 million</b>
	<b>2%</b>

FIGURE 2.1 Model Simplified Notices (from Rubenstein 2006)